

## § 63.777

## 40 CFR Ch. I (7–1–10 Edition)

to the U.S. EPA, has the authority to implement and enforce this subpart. Contact the applicable U.S. EPA Regional Office to find out if this subpart is delegated to a State, local, or Tribal agency.

(b) In delegating implementation and enforcement authority of this subpart to a State, local, or Tribal agency under subpart E of this part, the authorities contained in paragraph (c) of this section are retained by the Administrator of U.S. EPA and cannot be transferred to the State, local, or Tribal agency.

(c) The authorities that cannot be delegated to State, local, or Tribal agencies are as specified in paragraphs (c)(1) through (4) of this section.

(1) Approval of alternatives to the requirements in §§ 63.760, 63.764 through 63.766, 63.769, 63.771, and 63.777.

(2) Approval of major alternatives to test methods under § 63.7(e)(2)(ii) and (f), as defined in § 63.90, and as required in this subpart.

(3) Approval of major alternatives to monitoring under § 63.8(f), as defined in § 63.90, and as required in this subpart.

(4) Approval of major alternatives to recordkeeping and reporting under § 63.10(f), as defined in § 63.90, and as required in this subpart.

### § 63.777 Alternative means of emission limitation.

(a) If, in the judgment of the Administrator, an alternative means of emission limitation will achieve a reduction in HAP emissions at least equivalent to the reduction in HAP emissions from that source achieved under the applicable requirements in §§ 63.764 through 63.771, the Administrator will

publish in the FEDERAL REGISTER a notice permitting the use of the alternative means for purposes of compliance with that requirement. The notice may condition the permission on requirements related to the operation and maintenance of the alternative means.

(b) Any notice under paragraph (a) of this section shall be published only after public notice and an opportunity for a hearing.

(c) Any person seeking permission to use an alternative means of compliance under this section shall collect, verify, and submit to the Administrator information demonstrating that the alternative achieves equivalent emission reductions.

### §§ 63.778–63.779 [Reserved]

#### APPENDIX TO SUBPART HH OF PART 63— TABLES

TABLE 1 TO SUBPART HH OF PART 63—LIST OF  
HAZARDOUS AIR POLLUTANTS FOR SUBPART HH

CAS Number <sup>a</sup>	Chemical name
75070 .....	Acetaldehyde
71432 .....	Benzene (includes benzene in gasoline)
75150 .....	Carbon disulfide
463581 .....	Carbonyl sulfide
100414 .....	Ethyl benzene
107211 .....	Ethylene glycol
50000 .....	Formaldehyde
110543 .....	n-Hexane
91203 .....	Naphthalene
108883 .....	Toluene
540841 .....	2,2,4-Trimethylpentane
1330207 .....	Xylenes (isomers and mixture)
95476 .....	o-Xylene
108383 .....	m-Xylene
106423 .....	p-Xylene

<sup>a</sup>CAS numbers refer to the Chemical Abstracts Services registry number assigned to specific compounds, isomers, or mixtures of compounds.

TABLE 2 TO SUBPART HH OF PART 63—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS  
TO SUBPART HH

General provisions reference	Applicable to subpart HH	Explanation
§ 63.1(a)(1) .....	Yes.	
§ 63.1(a)(2) .....	Yes.	
§ 63.1(a)(3) .....	Yes.	
§ 63.1(a)(4) .....	Yes.	
§ 63.1(a)(5) .....	No .....	Section reserved.
§ 63.1(a)(6) .....	Yes.	
§ 63.1(a)(7) through (a)(9) .....	No .....	Section reserved.
§ 63.1(a)(10) .....	Yes.	
§ 63.1(a)(11) .....	Yes.	
§ 63.1(a)(12) .....	Yes.	
§ 63.1(b)(1) .....	No .....	Subpart HH specifies applicability.
§ 63.1(b)(2) .....	No .....	Section reserved.
§ 63.1(b)(3) .....	Yes.	

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TABLE 2 TO SUBPART HH OF PART 63—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.1(c)(1) .....	No .....	Subpart HH specifies applicability.
§ 63.1(c)(2) .....	Yes.	Subpart HH exempts area sources from the requirement to obtain a title V permit unless otherwise required by law as specified in § 63.760(h).
§ 63.1(c)(3) and (c)(4) .....	No .....	Section reserved.
§ 63.1(c)(5) .....	Yes.	
§ 63.1(d) .....	No .....	Section reserved.
§ 63.1(e) .....	Yes.	
§ 63.2 .....	Yes.	Except definition of major source is unique for this source category and there are additional definitions in subpart HH.
§ 63.3(a) through (c) .....	Yes.	
§ 63.4(a)(1) through (a)(2) .....	Yes.	
§ 63.4(a)(3) through (a)(5) .....	No .....	Section reserved.
§ 63.4(b) .....	Yes.	
§ 63.4(c) .....	Yes.	
§ 63.5(a)(1) .....	Yes.	
§ 63.5(a)(2) .....	Yes.	
§ 63.5(b)(1) .....	Yes.	
§ 63.5(b)(2) .....	No .....	Section reserved.
§ 63.5(b)(3) .....	Yes.	
§ 63.5(b)(4) .....	Yes.	
§ 63.5(b)(5) .....	No .....	Section Reserved.
§ 63.5(b)(6) .....	Yes.	
§ 63.5(c) .....	No .....	Section reserved.
§ 63.5(d)(1) .....	Yes.	
§ 63.5(d)(2) .....	Yes.	
§ 63.5(d)(3) .....	Yes.	
§ 63.5(d)(4) .....	Yes.	
§ 63.5(e) .....	Yes.	
§ 63.5(f)(1) .....	Yes.	
§ 63.5(f)(2) .....	Yes.	
§ 63.6(a) .....	Yes.	
§ 63.6(b)(1) .....	Yes.	
§ 63.6(b)(2) .....	Yes.	
§ 63.6(b)(3) .....	Yes.	
§ 63.6(b)(4) .....	Yes.	
§ 63.6(b)(5) .....	Yes.	
§ 63.6(b)(6) .....	No .....	Section reserved.
§ 63.6(b)(7) .....	Yes.	
§ 63.6(c)(1) .....	Yes.	
§ 63.6(c)(2) .....	Yes.	
§ 63.6(c)(3) through (c)(4) .....	No .....	Section reserved.
§ 63.6(c)(5) .....	Yes.	
§ 63.6(d) .....	No .....	Section reserved.
§ 63.6(e) .....	Yes.	
§ 63.6(e)(1)(i) .....	No .....	Except as otherwise specified. Addressed in § 63.762.
§ 63.6(e)(1)(ii) .....	Yes.	
§ 63.6(e)(1)(iii) .....	Yes.	
§ 63.6(e)(2) .....	No .....	Section reserved.
§ 63.6(e)(3)(i) .....	Yes.	Sources exempt under § 63.764(e) and sources located outside UA plus offset and UC boundaries are not required to develop startup, shutdown, and malfunction plans as stated in § 63.762(e).
§ 63.6(e)(3)(i)(A) .....	No .....	Except as otherwise specified. Addressed in § 63.762(c).
§ 63.6(e)(3)(i)(B) .....	Yes.	
§ 63.6(e)(3)(i)(C) .....	Yes.	
§ 63.6(e)(3)(ii) .....	No .....	Section reserved.
§ 63.6(e)(3)(iii) through (3)(vi) .....	Yes.	
§ 63.6(e)(3)(vii) .....	Yes.	
§ 63.6(e)(3)(vii) (A) .....	Yes.	
§ 63.6(e)(3)(vii) (B) .....	Yes .....	Except that the plan must provide for operation in compliance with § 63.762(c).
§ 63.6(e)(3)(viii) through (ix) .....	Yes.	
§ 63.6(f)(1) .....	Yes.	
§ 63.6(f)(2) .....	Yes.	
§ 63.6(f)(3) .....	Yes.	
§ 63.6(g) .....	Yes.	
§ 63.6(h) .....	No .....	Subpart HH does not contain opacity or visible emission standards.
§ 63.6(i)(1) through (i)(14) .....	Yes.	

TABLE 2 TO SUBPART HH OF PART 63—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.6(i)(15) .....	No .....	Section reserved.
§ 63.6(i)(16) .....	Yes.	
§ 63.6(j) .....	Yes.	But the performance test results must be submitted within 180 days after the compliance date.
§ 63.7(a)(1) .....	Yes.	
§ 63.7(a)(2) .....	Yes .....	
§ 63.7(a)(3) .....	Yes.	
§ 63.7(b) .....	Yes.	
§ 63.7(c) .....	Yes.	
§ 63.7(d) .....	Yes.	
§ 63.7(e)(1) .....	Yes.	
§ 63.7(e)(2) .....	Yes.	
§ 63.7(e)(3) .....	Yes.	
§ 63.7(e)(4) .....	Yes.	Section reserved.
§ 63.7(f) .....	Yes.	
§ 63.7(g) .....	Yes.	
§ 63.7(h) .....	Yes.	
§ 63.8(a)(1) .....	Yes.	
§ 63.8(a)(2) .....	Yes.	
§ 63.8(a)(3) .....	No .....	
§ 63.8(a)(4) .....	Yes.	
§ 63.8(b)(1) .....	Yes.	
§ 63.8(b)(2) .....	Yes.	
§ 63.8(b)(3) .....	Yes.	Subpart HH does not require continuous opacity monitors.
§ 63.8(c)(1) .....	Yes.	
§ 63.8(c)(2) .....	Yes.	
§ 63.8(c)(3) .....	Yes.	
§ 63.8(c)(4) .....	Yes.	
§ 63.8(c)(4)(i) .....	No .....	
§ 63.8(c)(4)(ii) .....	Yes.	
§ 63.8(c)(5) through (c)(8) .....	Yes.	
§ 63.8(d) .....	Yes.	
§ 63.8(e) .....	Yes .....	Subpart HH does not specifically require continuous emissions monitor performance evaluation, however, the Administrator can request that one be conducted.
§ 63.8(f)(1) through (f)(5) .....	Yes.	
§ 63.8(f)(6) .....	Yes.	Subpart HH specifies continuous monitoring system data reduction requirements.
§ 63.8(g) .....	No .....	
§ 63.9(a) .....	Yes.	Existing sources are given 1 year (rather than 120 days) to submit this notification. Major and area sources that meet § 63.764(e) do not have to submit initial notifications.
§ 63.9(b)(1) .....	Yes.	
§ 63.9(b)(2) .....	Yes .....	Section reserved.
§ 63.9(b)(3) .....	No .....	
§ 63.9(b)(4) .....	Yes.	
§ 63.9(b)(5) .....	Yes.	
§ 63.9(c) .....	Yes.	
§ 63.9(d) .....	Yes.	
§ 63.9(e) .....	Yes.	
§ 63.9(f) .....	No .....	
§ 63.9(g)(1) .....	Yes.	
§ 63.9(g)(2) .....	No .....	Subpart HH does not have opacity or visible emission standards.
§ 63.9(g)(3) .....	Yes.	
§ 63.9(h)(1) through (h)(3) .....	Yes .....	Area sources located outside UA plus offset and UC boundaries are not required to submit notifications of compliance status.
§ 63.9(h)(4) .....	No .....	
§ 63.9(h)(5) through (h)(6) .....	Yes.	Section reserved.
§ 63.9(i) .....	Yes.	
§ 63.9(j) .....	Yes.	§ 63.774(b)(1) requires sources to maintain the most recent 12 months of data on site and allows offsite storage for the remaining 4 years of data.
§ 63.10(a) .....	Yes.	
§ 63.10(b)(1) .....	Yes.	§ 63.774(b)(1) requires sources to maintain the most recent 12 months of data on site and allows offsite storage for the remaining 4 years of data.
§ 63.10(b)(2) .....	Yes.	
§ 63.10(b)(3) .....	Yes .....	

TABLE 2 TO SUBPART HH OF PART 63—APPLICABILITY OF 40 CFR PART 63 GENERAL PROVISIONS TO SUBPART HH—Continued

General provisions reference	Applicable to subpart HH	Explanation
§ 63.10(c)(1) .....	Yes.	
§ 63.10(c)(2) through (c)(4) .....	No .....	Sections reserved.
§ 63.10(c)(5) through (c)(8) .....	Yes.	
§ 63.10(c)(9) .....	No .....	Section reserved.
§ 63.10(c)(10) through (c)(15) .....	Yes.	
§ 63.10(d)(1) .....	Yes.	
§ 63.10(d)(2) .....	Yes .....	Area sources located outside UA plus offset and UC boundaries do not have to submit performance test reports.
§ 63.10(d)(3) .....	Yes.	
§ 63.10(d)(4) .....	Yes.	
§ 63.10(d)(5)(i) .....	Yes .....	Subpart HH requires major sources to submit a startup, shutdown, and malfunction report semi-annually. Area sources located within UA plus offset and UC boundaries are required to submit startup, shutdown, and malfunction reports annually. Area sources located outside UA plus offset and UC boundaries are not required to submit startup, shutdown, and malfunction reports.
§ 63.10(e)(1) .....	Yes .....	Area sources located outside UA plus offset and UC boundaries are not required to submit reports.
§ 63.10(e)(2) .....	Yes .....	Area sources located outside UA plus offset and UC boundaries are not required to submit reports.
§ 63.10(e)(3)(i) .....	Yes .....	Subpart HH requires major sources to submit Periodic Reports semi-annually. Area sources are required to submit Periodic Reports annually. Area sources located outside UA plus offset and UC boundaries are not required to submit reports.
§ 63.10(e)(3)(i)(A) .....	Yes.	
§ 63.10(e)(3)(i)(B) .....	Yes.	
§ 63.10(e)(3)(i)(C) .....	No .....	Section reserved.
§ 63.10(e)(3)(ii) through (viii) .....	Yes.	
§ 63.10(f) .....	Yes.	
§ 63.11(a) and (b) .....	Yes.	
§ 63.11(c), (d), and (e) .....	Yes.	
§ 63.12(a) through (c) .....	Yes.	
§ 63.13(a) through (c) .....	Yes.	
§ 63.14(a) and (b) .....	Yes.	
§ 63.15(a) and (b) .....	Yes.	
§ 63.16 .....	Yes.	

[64 FR 32628, June 17, 1999, as amended at 66 FR 34554, June 29, 2001; 71 FR 20457, Apr. 20, 2006; 72 FR 40, Jan. 3, 2007; 73 FR 78214, Dec. 22, 2008]

## Subpart II—National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)

SOURCE: 60 FR 64336, Dec. 15, 1995, unless otherwise noted.

### § 63.780 Relationship of subpart II to subpart A of this part.

Table 1 of this subpart specifies the provisions of subpart A of this part that apply to owners and operators of sources subject to the provisions of this subpart.

### § 63.781 Applicability.

(a) The provisions of this subpart apply to shipbuilding and ship repair operations at any facility that is a major source.

(b) The provisions of this subpart do not apply to coatings used in volumes of less than 200 liters (52.8 gallons) per year, provided the total volume of coating exempt under this paragraph does not exceed 1,000 liters per year (264 gallons per year) at any facility. Coatings exempt under this paragraph shall be clearly labeled as “low-usage exempt,” and the volume of each such coating applied shall be maintained in the facility’s records.

(c) The provisions of this subpart do not apply to coatings applied with